

OBEDIENCE
DUE TO THE
Present KING,

Notwithstanding our

OATHS
TO THE
FORMER.

Written by a DIVINE of the
CHURCH of ENGLAND.

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PRESENT KING

NEWBOLDING

OF THE

TO THE

FOR M. E. R.

OF THE DIVINE OF THE
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LONDON

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1. **T**HE Oath of Allegiance is the Expression of our Natural Duty to the King (as the Coronation-Oath is of the Regal; which in Nature is antecedent to it) 'tis especially signified in these Words, *I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and him and them will Defend against all Attempts, which shall be made against his or their Persons, their Crown and Dignity.* He must be King before we can be bound to him as such.

2. If the King do manifestly separate his Person from, and engage it against his Crown and Dignity; so that we cannot Defend them

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them both : I mean, if his Personal Actions, contrary to Law, do directly and openly tend to the prejudice and spoiling of his *Crown and Dignity*, by his voluntary subjecting them to a Foreign Power, contrary to the plain and primary intention and Letter of the *Oath*; subverting the Legal Constitution, and enervating the very *Laws* by which his Crown is supported, his Prerogative is measured, and the Dignity of the King, as such, hath its very being, as well as the safety of his People is maintained; certainly, in *such* a Case, none can be bound by this, or any other Oath, to Defend the King's *Person*, in attempts so contrary to the very *Reason* and End of all Government, with the neglect of the other part of our Duty, which is to Defend his *Crown and Dignity*.

3. The Oath of *Supremacy* seems to direct us more clearly in this difficulty; the words are, *I shall bear Faith and true Allegiance to the King's Highness*; but how? it follows, *and to my Power shall Assist and Defend all Jurisdictions, Privileges, Prebeminences and Authorities, Granted or belonging to the King, or annex'd and united to the Imperial Crown of this Realm*; that is, *thus* we are to bear Faith and Allegiance to the King.

4. For if we should be bound to *Assist and Defend his Person*, when it is, and as it is engaged against his *Crown and Dignity*, we seem bound, *satis posse & totis viribus* (so far Defence is expounded) to Assist and Contribute to the Ruine both of our King and Country, and perhaps to the cutting of our own Throats.

5. If any should imagine, That the Oath will not suffer us to consider the Person and Crown of the King thus divided; But that it binds us to assist and defend them together; tis true, while they are kept together. But if the King himself divide them, and tis become impossible for us to Assist his Person but we must Betray his Crown; nor Defend his Crown without forbearing to assist his Person; to say, now we are bound to Assist and Defend both, makes a plain Repugnancy in the Oath, and in our Duty (to do and

notwithstanding our Oaths to the Former.

not to do the same thing) and consequently the Obligation
ceased.

6. That we are bound by our *Allegiance* to Assist the Person of the King, to the prejudice of his Crown and People, seems not only to be against the light of Nature, the primary End of it being the safety of his Kingdom, and the safety of the King but the secondary end of it; but most agreeable to the sense of our Ancient and Learned *Lawyers*, and also, of the plain acknowledgment and profession of Ancient Kings and Parliaments.

Bract. Fleta.
Et si auctoritas po-
nere.

King Henry I. five Hundred Years ago, told the Pope, Whilst I live, the *Authorities and Usages of the Kingdom* shall never be diminished: But if I would so *Debase my self* (which God forbid) *Magnates mei & totus Anglie populus nullo modo paterentur*: The Lords and People of England would by no means suffer it. And Edward I. wrote himself to the same purpose. Besides, with his content, the Lords and Commons in Parliament, in their Letter to the Pope, have these Words, *We do not permit, or in the least will permit (sicut nec possumus nec debemus)* though our Sovereign Lord the King do, or in the least *will attempt* to do any of the Premises (by owning the Popes Authority touching his Right to Scotland) so strange a thing, so unlawful, prejudicial, and otherwise unheard of, though the King himself would. Once more, on Record in the Fourth of Henry III. the Commons Declare, *Si Dominus Rex & Regni majores hoc vellent* (Adomer's Revocation upon the Popes Order) *Communitas tamen ipsius ingressum in Angliam, nulla tenus sustineret.*

Now what's the meaning of all this? but that the King's Personal Will, contrary to Law, however expressed (for it must be signified by his Words or Actions) if the performance of it would prejudice his Crown and Dignity, may be resisted. Much less are we bound by our *Allegiance* to Assist or Defend him in so doing, in Reason, Law, or the sense of our Ancient Kings or Parliaments.

Object.

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Objection. *But we Swear to Defend, not only the King, but his Heirs and Lawful Successors.*

Answer 1. True, but *Hæres non est vivens*, and the Successor, in Law and Common Sense, is the *Person* that doth *actually* succeed, or is in possession. Now if the *actual* Successor be the *Lawful* Successor, we are bound by our Oaths to Defend him; but if he be not the *Lawful* Successor, none else is so, because none else is the *Successor*, and consequently, so far the *Object* and *Reason* of our Oaths ceasing, our *Obligation* by them ceaseth, and we are bound to none besides the *Person* in Possession.

2. 'Tis farther remarkable, That though the word *Lawful* be once in the Oath of *Supremacy*, 'tis only *there*, where we Swear Faith and Allegiance in *General*; but, as if it were intended, that the Subject should not trouble himself about the *Title* of the King in *being*, where that Allegiance is explain'd with respect to Practice, the word *Lawful* is left out in that Oath. It follows there in these Words,-- *Shall Assist and Defend all Jurisdictions*,-- Granted or belonging to the Kings Highness, his Heirs and *Successors*, without the word *Lawful*. And agreeable hereunto, we find the word wholly left out in the Oath of *Allegiance*, both in the same place, where we Swear Allegiance in *General*, as well as in the other place of our more particular Duty; and it looks as if this was done *de Industria*, for the same reason, namely, that such as take the Oaths might not think themselves bound thereby to be *Sollicitous* about the *Title* to the Crown.

3. The Holy *Scriptures* seem not to involve the Consciences of *private* Christians about *Princes Titles*; but expressly require their Subjection to the *Powers that are*, as a great and necessary instance of that Humility and *peaceable* Behaviour which their *Religion* teacheth them.

4. In the same Holy Books, we are further most plainly admonish'd, that (by what means soever obtained) 'tis *God* that

that putteth down one, and setteth up another; and upon that ground too, we are strictly charg'd to *Submit* to the Powers that are, because they are *Ordain'd of God*. And tho' the Apostle use the word *Exalta*, I think, none can imagine he intended by it, to determine the lawfulness of *Augustus's* Title, who was admitted by the *Senate*; but rather, to inforce that Obedience that he presseth the Christians to yield, by this Consideration, That all Authority is from God; and in its true Nature and by God's Ordinance, intended for our Good.

Rom. 13.

*Imperatores
Rom. sacendum
est, non optimo
Fure Imperium
adeptos. San-
derfon.*

5. The known Statute of 11 H. 7. 1. is of the same import, and grounded, we find, upon the like Reason and H. Scripture, it gives us way to this plain inference, that the same duty which we owe to a lawful King, is to be performed to the King in being; that is, to the King in Possession; and that no other King or future Parliament can in Reason, Law, or good Conscience, upon any pretence of Usurpation in the Possessor of the Crown, or any Disloyalty in the Subject, charge us with guilt, for Serving or defending the King in Possession. The Subjects therefore, might lawfully fight for him, and consequently take the Military Oath; in Reason (by the Law of Nature) in Law, by the Law of the Land; in all good Conscience, that is, by the Law of God, in the H. Scriptures.

6. Hereupon, my Lord Coke's words are notable: This Act, saith he (meaning 25 Ed. 3. about Treason) is to be understood of a King in Possession of the Crown and Kingdom: for if there be a King Regnant in Possession, altho' he be Rex de facto and non de jure, yet is he Seigneur le Roy, within the purview of this Statute; and the other, that hath Right and is out of Possession, is not within this Act.

Nay, saith he, if Treason be committed against a King de facto, and non de jure, and after the King de jure come to the Crown, he shall punish the Treason done to the King de facto; and a pardon granted by a King de jure, that is not also de facto, is void, Inst. 3. l. p. 7.

Now if by the Law of the Land, which I think is our only guide in such Cases, Treason may be committed against a King that

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that is so only by *Possession*, without *Right*; and cannot be committed against him that hath *Right*, and not *Possession*: seeing he is not within the purview of the Statute, sure, we cannot reasonably be thought to be intangled in such a strait, as to be bound by our *Allegiance* to commit *Treason*, which we cannot presume the King in *Possession* will *Pardon*, and the Law tells us, the King that hath *Right* only, cannot. Who therefore would question our liberty to be true and faithful to the King in *Possession*, so far at least, as not to resist him, or to be *Traitors* to him? or to give him assurance thereof by our Oath. The renown'd Casuist Bishop *Sanderson* would not declare the very *Engagement* to be unlawful, taken in that lower Sense, to the pretended *Commonwealth* without any King or House of Lords.

Case of Engag.
P. 111.

7. Since we have mention'd that excellent Casuist, whose *Loyalty*, *Judgment*, *Fidelity*, and *Authority*, is unquestionable, 'tis fit for us to observe what he hath frequently and without the least hesitancy delivered as his *premeditated* thoughts about the present case.

Having suppos'd a King in *Possession* only, by *Power*, if the Query be what is to be done by the Subject that hath Sworn Allegiance to the *rightful King*: he answers, 'tis not only lawful to obey the King in such *Possession*; but it often happens that not doing so, [*defuisse Officio*] we are wanting to our duty. Yea, that we owe Subjection to a King in *Possession*, upon the grounds of *Justice*, *Equity*, *Charity*, and *Gratitude*, while we enjoy our Liberties and are Protected by him.

Exigit hoc a nobis (Optima equi boni lex) vetus illa Commutationum formula, Δός η εἰς ἀδελφείην. & profecto, perversissima mentis, sub illius dominationis patrocinio, velle vivere cui parere nolis: & cujus protectione gaudeas, ejus imperium detractare.

8. His Third Argument for the Necessity of Obedience to the present Power, however obtained, is taken from the *Charity* we owe to the *Publick*, whether *Church* or *State*, of which we are Members, and for the good of which we are born; in quantum igitur illius Societatis, cujus ipse Membrum & pars est, Salus & tranquillitas exigit, catenus Civis unusquisq; imperiis ejus qui

qui de facto--præest, obtemperare tenetur Words worthy the most serious reflection of the present Church of England. Read at large his 5th Praelect.

But as to the Argument from *Gratitude*, when we seriously reflect upon our late forlorn and ruinous Condition both in Church and State; when we call to mind that all our Foundations were put out of course, and our Pillars even broken by the late King's own ill-guided hands; and that the *Heroick Prince* hath been at so great *Expence*, and exposed himself to so many *hazards*, in his own *Country*, at *Sea*; and here in *England*, in *Compassion* both to our *Miseries* and *Infirmities*; when our *Land* was *weak*, and all the *Inhabitants* thereof in an utter *disability* to rescue or save themselves; and none under *Heaven*, within the reach of humane apprehension, besides that one Prince, could possibly effect it; that glorious Instrument under God, put his hand to support and strengthen, and bear up our *Pillars*: to Redeem and Secure our *Religion*, *Laws*, and *Liberties*; and when our late King, either for fear of his Person, or rather of the Issue of Affairs in our *Re-establishment*, had *deserted* or *abdicated his Kingdom*, and left us in *Confusion* to shift for our Selves; whose return now cannot be thought of without *Horror*: and the present *King and Queen*, being therefore first *Petitioned*, to take the Government, have graciously accepted it, upon *terms* answering all mens desires or *interests*. I say, when all this is well pondered, the Ground and Argument for our quiet and chearful submission, taken from *Gratitude*, is indeed *too big* to be contained in a *sheet* or two of *Paper*, or the *mind of Man*: and *Prodigious*, beyond the credit of *Posterity*.

Lastly, One would think there was no place left for any further *Scruple*. The late *Change* was urged by extream *Necessity*, and carried on with a wonderful *Providence*, and perfected with *Universal Consent*; it was *Eminently* the *Lords doing*, and our own too; the Government was unhing'd by the late King himself. The present King, &c. was put into Possession by our selves in our *Representatives*; who were as *freely chosen* by us as ever any *Parliament* was: The *Convention* had nothing wanting but the previous formality of the *Royal Writs*,

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which could not be then had; that *Punctilio* of Order, cannot reasonably be supposed to go into the *Being* of the *Representative* Body; the want of it, cannot well be thought to prejudice our *Election*, or *Consent* to what they have done, whom we chose and entrusted with our *Politick* Reason and Interest, and in whose Acts, we ought to acquiesce as our *own* doings, in every thing or Matter of *Expediency* for the *Publick* good, not evidently contrary to our Duty to God.

In short, The *Possession* of the Throne, by the Act of the People of *England*, is now *unquestionable*; we have no liberty left us, either to *dispute* the King's Title, or deny him our Duty. Give unto *Cæsar* the things that are *Cæsar's*, &c.

H I N S

Our *Honours* and the *præsent* King and Queen, being therefore first *positioned* to take the *Oath*, have graciously accepted upon them, and being well pondered, the Ground and Argument for our *obedience* and *cheerful* submission, taken from *Matthew*, is indeed to be contained in a *few* or two *of* *Exposition*, or the *word* of *Matthew*, and *Indignation* beyond the credit of *History*.

Lastly, One would think there was no place left for any further *perplexity*. The late *Change* was urged by *extraneous* *Reasons*, and carried on with a *wonderful* *Providence*, and *directed* with *divine* *Guidance*. It was *proposed* by the *House*, and was *carried*; the *Government* was *transferred* by the *King* himself. The *new* King &c. was put into *possession* of his *Authority*; who were in our *Parliament*; who were chosen by us as ever any *Parliament* was: The *Government* had nothing wanting but the *original* *formality* of the *Royal* *Warrant*.